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25215 7590 04/05/2010 DOBRUSIN & THIENNISCH PC 29 W LAWRENCE ST SUITE 210 PONTIAC, MI 48342				
EXAMINER				
NGUYEN, PHONG H				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment:

Rejections under 35 U.S.C 112

Regarding the rejection of claims 26 and 55, paragraphs 0012, 0027-0028 and 0038 of the disclosure merely give conclusory statements and do not explain how the means/gripper are driven by the food product block and the conveying means. The Examiner's position is that it is well known in the art that there are gears and linkages in the drive 15 connected to the grippers 18 for reciprocating the grippers 18. The disclosure does not explain how some of the gears and linkages are disconnected to allow the grippers to be driven by the food product block and the conveying means, and then reconnected again to be pulled back to their upward ready-position by the drive 21. The Applicant needs to explain more details in order to overcome this rejection. Regarding the rejections of claims 24, 26, 27, 29, 31-35 and 49-54 for lacking of antecedent basis, the rejections are withdrawn in view of the new amendment to the claims.

Rejections under 35 U.S.C 102

The Applicant argues that Toda does not teach "the food block is conveyed toward the blade by at least one conveying means". This argument is not persuasive. The Office action pointed out the food block being conveyed toward the blade by the conveying means 38. It is to be noted that claims 24 and 26 do not positively state the convey means being a belt system. Therefore, element 38 moving the food block from a ready position to the slicing blade meets the claim language.

The Applicant argues that Toda does not teach "the contact between the means and the food product block occurs only during slicing of the food block". This argument is not persuasive. It is obvious from Toda's teaching that the gripper is always in contact with the food block during

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the slicing process. When the food product is not in demand, the food block is not loaded in the slicer. Therefore, there is no contact between the gripper and the food block. Or when the slicing process is completed, the food block is removed from the slicer. Therefore, there is no contact between the gripper and the food block.

The Applicant argues that Toda does not teach "at any desire time during slicing of the food block, the rear end of the food block is brought into contact in each case with a means". This argument is not persuasive. At least at the beginning of the slicing of the food block, the gripper is brought into contact with the food block. Therefore, Toda's teaching reads on the claimed limitation.

Rejections under 35 U.S.C 103

Since the Applicant fails to show that Toda is not proper prior art, the 103 rejection stands.